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REMARKS

Claims 1-8 are pending, of which claim 1 is independent and claim 7 is amended to address the informality noted on page 2 of the Office Action.

Applicants responded to the drawing objection on June 22, 2004.

Applicants respectfully traverse and request reconsideration of the rejection of claims 1-8 under 35 U.S.C. §102(e) as being anticipated by Shear et al. (U.S. 2001/0042043).

Independent claim 1 is directed to a secure electronic media container for storing, transporting, and/or providing a rights management interface to electronic media content having a combination of elements, wherein the electronic media content stored therein and data, external of but attached to or otherwise associated with the container, representative of the media handler and/or a rights management mechanism, is required to open and play the content.

Nowhere does Shear disclose or suggest a secure electronic media container having the above-noted features. In layman's terms, the software container has, in its outer wrapper, meter data from which it is possible to establish how to navigate (legitimately) a rights management layer to get at the content and which media handler to use to manifest it to a user. The cited passages of Shear simply do not relate to such meta data. Rather, the passages on pages 3 and 4 cited regarding claim 1

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discuss a number of general wants or desires, such as the provision of "control, rights management and/or identification solutions for the digital realm technology...copy protection and encryption," without providing an enabling disclosure regarding the inclusion of data representative of the media handler and/or a rights management mechanism as claimed in claim 1. If the rejection is maintained, Applicants respectfully request the Examiner to specify where he believes Shear discloses the features of independent claim 1.

Thus, independent claim 1 is not anticipated or disclosed by Shear, and the rejection is respectfully requested to be withdrawn. Claims 2-8 are also allowable due to their dependence on independent claim 1, as well as for the additional limitations provided by these claims. Regarding claims 2 and 8, for example, the recitation of the feature "means for determining from said external data what, if any, digital rights management mechanism was used...or...digital management handler" clearly distinguishes over the Shear reference. The passage on page 7 referenced in relation to claim 2 simply fails to disclose anything to do with a ~~software~~ media container, but instead the passage discusses "rights transfer and other rights management on DVDs."

Given the nature of the rejection to independent claim 1, Applicants wish to point out that the container of the present invention is an electronic media container, e.g., a software

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container as described at page 6, line 25, through page 8, line 9, of the instant specification--not a record sleeve or such.

In view of the foregoing, it is respectfully submitted that all pending claims are allowable. Favorable reconsideration and allowance of the application are respectfully requested and deemed in order.

Applicants hereby request a three-month extension of time in which to file this paper. Authorization for payment of the \$950 fee is attached. If in error, the Commissioner is hereby authorized to credit any overpayment or charge any omitted fees, including application processing, extra claims, and extension fees, to Deposit Account No. 08-2025.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

By:


for Allan M. Lowe, Reg. No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, VA 22314
703-684-1111 telephone
703-518-5499 telecopier
AML:rk

Randy Noranbrock
Registration No. 42,940

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